

## **Town Board Minutes**

May 3, 2010

Meeting No. 13

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 3rd day of May 2010 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** DONNA STEMPIAK, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
GEORGE PEASE, ASSISTANT CODE ENFORCEMENT OFFICER  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT

### **PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, spoke to the Town Board on the following matters:

- Local Law regarding Sidewalks & Streets.
- Water Improvement Project TLN-4.
- Prairie Landing Subdivision.

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Water Improvement Project TLN-4.
- Regulations for use of Heritage Trail.

**Symer, Donald**, spoke to the Town Board on the following matters:

- Local Law regarding Sidewalks & Streets.
- Public Service Commission Public Hearing Re: Downsizing of New York State Electric & Gas.

**Popiolkowski, Amanda**, spoke to the Town Board on the following matter:

- Extended an invitation to the Open House at the Lancaster Volunteer Ambulance Corp.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and  
the Planning Board held April 19, 2010 and the Regular Meeting of the Town Board held  
April 19, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 13462 to Claim No. 13641 Inclusive

Total amount hereby authorized to be paid: \$275,513.10

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**PREVIOUSLY TABLED PERMITS:**

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

**NEW PERMITS:**

17837	Edie, Vona	15 St Anthony St	Er. Fence	
17838	Smith, Jennifer	41 Court St	Er. Res. Alt.	(V/L)
17839	JLB Installations	15 St Anthony St	Er. Pool-In Grnd	
17840	David Homes	10 Parliament Ln	Er. Dwlg.-Sin.	
17841	Bates, Martin	33 Beach Ave	Re-Roof	(V/L)
17842	Premier Fence	2195 Como Park Blvd	Er. Fence	(V/L)
17843	Essex Homes	4 Tranquility Trl	Er. Dwlg.-Sin.	
17844	Giumpa, Frank	19 Red Clover Ln	Er. Shed	
17845	Lakeside Home Imprv	18 Lenox Ave	Re-Roof	(V/L)
17846	Decks Unlimited Const	1110 Ransom Rd	Er. Deck	
17847	Besroi Construction	55 Sixth Ave	Re-Roof	(V/L)
17848	Swimco Mfg	5630 William St	Er. Pool-In Grnd	
17849	Swimco Mfg	5630 William St	Er. Fence	
17850	Buffalo Builders	33 Michael's Walk	Re-Roof	
17851	Hometeck Roofing	238 Brunck Rd	Re-Roof	
17852	Seger, Edward	189 Pavement Rd	Re-Roof	
17853	City Fence	53 Robert Dr	Er. Fence	(V/L)
17854	Sahlem's Roofing	39 Country Pl	Re-Roof	
17855	Sahlem's Roofing	14 Riemers Ave	Re-Roof	
17856	Fuller, Jason	1 Pinetree Dr	Er. Shed	
17857	City Fence	335 Pleasant View Dr	Er. Fence	
17858	Majestic Pools	11 Devonshire Ln	Er. Fence	
17859	Majestic Pools	11 Devonshire Ln	Er. Pool-In Grnd	
17860	Natale Building Corp	52 Nicholas Ln	Er. Dwlg.-Sin.	
17861	Besroi Construction	61 Northwood Dr	Re-Roof	
17862	Besroi Construction	85 Northwood Dr	Re-Roof	
17863	Besroi Construction	97 Northwood Dr	Re-Roof	
17864	Besroi Construction	109 Northwood Dr	Re-Roof	
17865	D Allen & Son	404 Harris Hill Rd	Re-Roof	
17866	Pro Line Pools	57 Simme Rd	Er. Pool-Abv Grnd	
17867	Adolf, Carl	32 Carter St	Er. Shed	(V/L)
17868	Iroquois Fence Inc	10 Montauk Ln	Er. Fence	
17869	The Pool Guy	208 Ransom Rd	Er. Pool-Abv Grnd	
17870	Suchy, Thomas	120 Stutzman Rd	Er. Shed	
17871	Banner Furniture Inc	14 Woodlawn Ave	Er. Shed	(V/L)
17872	Home Depot	166 Nathan's Trl	Er. Deck	
17873	Targia, Joseph	22 Sagebrush Ln	Er. Res. Add.	
17874	Cole, William	33 Americo Ct	Er. Deck	
17875	O'Shei, Darryl	14 Greenmeadow Dr	Er. Shed	
17876	Bolender, Thomas	114 Pleasant Ave	Er. Deck	(V/L)
17877	Fix, Richard	96 Robert Dr	Er. Pool-Abv Grnd	(V/L)
17878	Driggs, Justin	475 Schwartz Rd	Er. Fence	
17879	Quality Building Systems	81 Pardee Ave	Re-Roof	(V/L)

17880	Proline Pools	388 Seneca Pl	Er. Pool-Abv Grnd
17881	Bodziak, Derrek	97 Sawyer Ave	Er. Res. Add. (V/L)
17882	Caldwell, Linda	4942 William St	Er. Deck
17883	Grau Builders	4 Logan Ln	Er. Dwlg.-Sin.
17884	Irwin, Lloyd	22 Sugarbush Ln	Re-Roof
17885	Stockmohr Roofing	50 Quail Run Ln	Re-Roof
17886	Stockmohr Roofing	616 Pleasant View Dr	Re-Roof
17887	TR Renovations	53 Running Brook Dr	Re-Roof
17888	Paolini, Vincent	202 Enchanted Forest S	Er. Shed
17889	D Allen & Son	390 Seneca Pl	Re-Roof
17890	Wilcro, Inc	4893 Transit Rd	Er. Sign
17891	Fix, Richard	1 Sugar Mill Ct	Er. Pool-Abv Grnd
17892	My Three Sons Const	22 Inwood Pl	Er. Garage (V/L)
17893	Swintals Siding	58 Stony Brook Dr	Re-Roof
17894	Sturm Roofing	6466 Broadway	Re-Roof
17895	Glorified Development	49 Laverack Ave	Er. Res. Add. (V/L)
17896	Precision Pools	5266 William St	Er. Pool-Abv Grnd
17897	Fix, Richard	16 Liberty St	Er. Pool-Abv Grnd (V/L)
17898	Lent Builders	1288 Penora St	Er. Res. Add.
17899	Lent Builders	1288 Penora St	Er. Res. Add.
17900	Lent Builders	1288 Penora St	Er. Deck
17901	Duro-Shed Inc	14 Trentwood Trl	Er. Shed
17902	Kowalewski, Robert	41 Erie St	Er. Fence (V/L)
17903	Sun Enterprises	31 Partridge Walk	Er. Shed
17904	Double D Contracting	15 Wilma Dr	Re-Roof (V/L)
17905	Sirface, Alan	546 Lake Ave	Er. Deck
17906	Myers, Robert	20 Woodlawn Ave	Re-Roof (V/L)
17907	Fence Pro	207 Siebert Rd	Er. Fence
17908	Banner Furniture	26 Tranquility Trl	Er. Shed
17909	Duro-Shed Inc	64 Williamsburg Ln	Er. Shed
17910	TR Renovation	64 Maple Dr	Dem. Dwlg.
17911	Filippi, Michael	31 Katelyn Ln	Er. Fence
17912	TR Renovations	64 Maple Dr	Er. Res. Add.
17913	Stofer, Cynthia	11 Hunters Dr	Er. Pool-Abv Grnd
17914	Corey, James	93 Aurora St	Er. Shed (V/L)

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies from the State of New York Governor’s Traffic Safety Committee via the Selective Traffic Enforcement Program (STEP) to reduce unsafe driving behaviors within the Town, and

**WHEREAS**, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving;

**NOW, THEREFORE BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor’s Traffic Safety Committee for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AQUINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2010, entitled “SIDEWALKS AND STREETS REVISION”, which will amend the Code of the Town of Lancaster by adding Section 12-4 ( B ), 12-4 ( C ) and to re-label current Section 12-4 (B) as new Section 12-4 (D) within Chapter 12 “Sidewalks and Streets”, Section 4 “Care by owners or occupants” of the Code of the Town of Lancaster, which reads as follows:

## **Chapter 12**

### **SIDEWALKS AND STREETS**

#### **Section 12-4, Care by Owners or Occupants Revision**

#### **Proposed Local Law Of the Year 2010**

**A LOCAL LAW OF THE YEAR 2010 ENTITLED “SIDEWALK REVISION”, WHICH WILL, AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 12-4 (B), 12-4 (C) AND TO RE-LABEL CURRENT SECTION 12-4 (B) AS NEW SECTION 12-4 (D), OF CHAPTER 12, SECTION 4 “CARE BY OWNERS AND OCCUPANTS.”**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, New York as follows:

The Code of the Town of Lancaster is hereby amended by enacting the Local Law of the Year 2010 entitled “Sidewalks and Streets Revision” which adds Section 12-4 (B), 12-4 (C) and re-labels current Section 12-4 (B) as new section 12-4 (D) to Chapter 12, “Sidewalks and Streets”, Section 4, “Care by Owners and Occupants” of the Town Code which reads as follows:

#### **§12-4. Care by Owners and Occupants**

B. Liability of real property owner for failure to maintain sidewalk in a reasonably safe condition.

1. It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition.

2. Notwithstanding any other provision of law, the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such sidewalk in a reasonably safe condition. Failure to maintain such sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair, or replace defective sidewalk flags and the negligent failure to remove snow, ice, dirt, or other material from the sidewalk.

3. Notwithstanding any other provision of law, the Town shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain sidewalks in a reasonably safe condition. This subdivision shall not be construed to apply to the liability of the town as a property owner pursuant to subdivision (b) of this section.

4. Nothing in this section shall in any way affect the provisions of this chapter or of any other law or rule governing the manner in which an action or proceeding against the Town is commenced, including any provisions requiring prior notice to the Town of defective conditions.

C. Personal injury and property damage liability insurance. An owner of real property, other than a public corporation as defined in section sixty-six of the general construction law or a state or federal agency or instrumentality, to which subdivision (a) of this section of this code applies, shall be required to have a policy of personal injury and property damage liability insurance for such property for liability for any injury to property or personal injury,



including death, proximately caused by the failure of such owner to maintain the sidewalk abutting such property in a reasonably safe condition. The Town shall not be liable for any injury to property or personal injury, including death, as a result of the failure of an owner to comply with this section.

D. The owner and the occupant shall be jointly and severally responsible for compliance with the provisions hereof.

This Local Law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2010, entitled “Sidewalks and Streets Revision” which Local Law adds Sections 12-4 ( B ), 12-4 ( C ) and to re-label current Section 12-4 (B) as new Section 12-4 (D) within Chapter 12 “Sidewalks and Streets”, Section 4 “Care by owners or occupants” of the Code of the Town of Lancaster will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o’clock P.M., Local Time, on the 17<sup>th</sup> day of May, 2010, and that Notice of the Time and Place of such Hearing shall be published, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2010, entitled “Sidewalks and Streets Revision” available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted May 3, 2010, the said Town Board will hold a Public Hearing on the 17<sup>th</sup> day of May, 2010 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2010, entitled "Sidewalks and Streets Revision", and further designated as Chapter 12, "Sidewalks and Streets", Section 4, "Care by owners or occupants" of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW WHICH WILL AMEND CHAPTER 12 SIDEWALKS  
AND STREETS, SECTION 4 CARE BY OWNERS OR OCCUPANTS"**

A complete copy of this proposed Local Law of the Year 2010, entitled "Sidewalks and Streets Revision ", and designated as Chapter 12, "Sidewalks and Streets", Section 4, "Care by owners and occupants", of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
**Town Clerk**  
May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, DJC Land, Inc., 2635 Millersport Highway, Getzville, New York 14068 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Wainwright Court Subdivision, and

**WHEREAS**, the Town Engineer has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application No.665 of DJC Land, Inc., 2635 Millersport Highway, Getzville, New York 14068 , for the installation of:

P.I.P. No. 665 (Street Lights)	Wainwright Subdivision, installation of three (3) light poles with head and lamp and installation of all necessary conduits and wire as per NYSEG and Town Specifications.
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be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AQUINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster approved a Map, Plan and Report for the Increase and Improvement of Facilities of the Consolidated Water District on December 18, 2006, and

**WHEREAS**, a Bond Resolution was adopted for a maximum amount not to exceed \$7,000,000, and

**WHEREAS**, the Town Board has previously duly advertised for bids for the Consolidated Water District Water System Improvement Contract No. TLN-4 in the Town of Lancaster, and

**WHEREAS**, bids were received, opened and reviewed on April 7, 2010, and

**WHEREAS**, Clough Harbour & Associates, the project’s consulting engineer, by letter dated April 13, 2010, has recommended award of the bid to C.M.H. Company, Inc., being the lowest responsible bidder in the amount of \$1,259,275;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby awards the bid for the Consolidated Water District Water System Improvement Contract No. TLN-4 in the Town of Lancaster to C.M.H. Company, Inc., 12704 North Road, Alden, New York 14004 in the amount of \$1,259,275 being the lowest responsible bidder in conformance with the specifications on file in the office of Clough Harbour & Associates.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated April 20, 2010, has requested the appointment of four (4) part-time seasonal laborers to work in the Highway Department for the 2010 Summer season.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals be appointed to the position of laborer part-time, seasonal for the 2010 Summer season in the Highway Department effective May 12, 2010, and that this being a part time position provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

NAME	RATE
Ryan Rybinski (rehire) Lancaster, New York	\$8.75 per hour
Daniel Miller (rehire) Lancaster, New York	\$8.75 per hour
Christian Rice (new hire) Depew, New York	\$8.00 per hour
Massimo Cimato (new hire) Lancaster, New York	\$8.00 per hour

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, General Crew Chief Terrence McCracken, by letter dated April 28, 2010, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the Summer of 2010.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals be and are hereby appointed to the position of seasonal employees for the Summer of 2010 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE/HR.</u>
George Besch (rehire) Lancaster, New York	Recreation Attendant (Tennis Supervisor)	\$14.25
Courtney Canazzi (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Anthony Fronczak (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$8.15
Aaron Hejmowski (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$9.65
Sarah Malczewski (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Chelsea Mang (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.40
Nichole Mang (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Jessica Page (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Andrew Puleo (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.65
Karen Stacy (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Benjamin Steele (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Riley Stepnick (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
James Weiss (rehire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Rebecca Suchy (new hire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Michael Gerber (new hire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25

Eric Harte (new hire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Stephanie Bravo (new hire) Lancaster, New York	Recreation Attendant (Tennis Instructor)	\$7.25
Kara Karcher (rehire) Lancaster, New York	Lifeguard (Pool Director)	\$12.25
Austin Kelm (rehire) Depew, New York	Lifeguard (Supervisor)	\$9.00
Kristyn Wind (rehire) Lancaster, New York	Lifeguard (Supervisor)	\$9.50
Colleen Anderson (rehire) Lancaster, New York	Lifeguard	\$8.15
Danielle Egger (rehire) Lancaster, New York	Lifeguard	\$7.65
Kathryn Faul (rehire) Lancaster, New York	Lifeguard	\$8.90
Samantha Gajewski (rehire) Lancaster, New York	Lifeguard	\$8.90
Emily Grucella (rehire) Lancaster, New York	Lifeguard	\$8.15
Brian Harder (rehire) Lancaster, New York	Lifeguard	\$9.25
Kelly Jablonski (rehire) Lancaster, New York	Lifeguard	\$8.65
Jessica Jaroszewski (rehire) Lancaster, New York	Lifeguard	\$8.15
Thomas Kasprzyk (rehire) Lancaster, New York	Lifeguard	\$7.65
Keith Krajewski (rehire) Lancaster, New York	Lifeguard	\$7.65
Jordan Manley (rehire) Lancaster, New York	Lifeguard	\$7.65
Amanda Poe (rehire) Lancaster, New York	Lifeguard	\$9.65
Julia Ruggiero (rehire) Lancaster, New York	Lifeguard	\$8.15
Leah Santasiero (rehire) Lancaster, New York	Lifeguard	\$7.25
Chelsea Saxe (rehire) Lancaster, New York	Lifeguard	\$7.25
Allison Swatsworth (rehire) Lancaster, New York	Lifeguard	\$8.15
Jamie Volkenner (rehire) Lancaster, New York	Lifeguard	\$8.15

Erin Weigand (rehire) Lancaster, New York	Lifeguard	\$7.50
Nicholas Weigand (rehire) Lancaster, New York	Lifeguard	\$8.40
Andrew Zalenski (rehire) Lancaster, New York	Lifeguard	\$7.90
Kelsie Blizzard (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.90
Sydney Blizzard (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.50
Connor Blizzard (new hire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Jillian Bryant (new hire) Depew, New York	Lifeguard (Substitute)	\$7.25
Jennifer Cicero (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Mike Emerson (new hire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Jonathan Gall (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Eric Jordan (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Bryan Krajewski (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Matt Loecher (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Jessica Lorusso (new hire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Jennifer O'Connor (rehire) Lancaster, New York	Lifeguard (Substitute)	\$9.75
Ryan Pericozzi (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.65
Alyssa Puhacz (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Michael Reinig (new hire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Ryan Richter (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Sarah Sibert (new hire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Matthew Speyer (rehire) Depew, New York	Lifeguard (Substitute)	\$7.25
Matthew Young (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25



Alexandra Zarbo (rehire) Lancaster, New York	Lifeguard (Substitute)	\$7.25
Richard Wojciechowski (rehire) Lancaster, New York	Recreation Attendant (Playground Supervisor)	\$13.75
Melissa Batt (rehire) Lancaster, New York	Recreation Attendant (Playground Supervisor)	\$11.00
Anthony Ambrose (rehire) Lancaster, New York	Recreation Attendant (Playground Supervisor)	\$8.75
Joseph Aquino (rehire) Lancaster, New York	Recreation Attendant (Playground Supervisor)	\$8.75
Katie Herdzik (rehire) Lancaster, New York	Recreation Attendant (Playground Supervisor)	\$8.25
Andrew Adolf (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Katie Aquino (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Julianne Aquino (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.40
Kathryn Boughton (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Mallory Derkovitz (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.40
Matthew Geary (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.40
Craig Krempa (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Eric Leon (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.40
Lindsey Marrano (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.90
Lindsay Michalak (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.65
Sara Monin (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Alexandra Murphy (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Laura Pawlikowski (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Joelle Polanowski (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Kathryn Porreca (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.40
Gina Sanita (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25

Maria Sanita (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Caitlin Siresi (rehire) Lancaster, New York	Recreation Attendant (Playground Attendant)	\$7.25
Robert Stephan (rehire) Bowmansville, New York	Recreation Attendant (Playground Attendant)	\$7.25
Adam Bertucci (rehire) Lancaster, New York	Laborer	\$7.25
Matthew Bittner (rehire) Lancaster, New York	Laborer	\$7.25
Todd Clark (rehire) Lancaster, New York	Laborer	\$7.25
Paul DeBergalis (rehire) Lancaster, New York	Laborer	\$7.25
Joshua Durkin (rehire) Depew, New York	Laborer	\$7.65
Andrew Geary (rehire) Lancaster, New York	Laborer	\$7.40
John Gerber (rehire) Lancaster, New York	Laborer	\$7.40
Dan Gill (rehire) Lancaster, New York	Laborer	\$8.40
Steven Goehle (rehire) Lancaster, New York	Laborer	\$7.90
D.J. Hibbs (rehire) Lancaster, New York	Laborer	\$11.25
Scott Lawniczak (rehire) Lancaster, New York	Laborer	\$8.40
Joseph Lucarrelli (rehire) Lancaster, New York	Laborer	\$7.25
Anthony Marrano (rehire) Lancaster, New York	Laborer	\$7.25
Joshua Nantka (rehire) Lancaster, New York	Laborer	\$7.25
Robert Prawel (rehire) Lancaster, New York	Laborer	\$8.40
Patrick Schunk (rehire) Lancaster, New York	Laborer	\$8.40
Austin Smith (rehire) Lancaster, New York	Laborer	\$7.25
Matthew Urbanski (rehire) Lancaster, New York	Laborer	\$7.40
Ronald Witt (rehire) Lancaster, New York	Laborer	\$7.25

**BE IT FURTHER,**

**RESOLVED,** that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, on January 4, 2010 R.J.F. Development, 4430 Walden Avenue, Lancaster, New York, 14086 applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property, for the installation of street lights, in the Town of Lancaster within Cross Creek Subdivision, Phase I, and

**WHEREAS**, due to a clerical error, Public Improvement Permit number 663 was noted on the resolution dated January 4, 2010, and

**WHEREAS**, the actual Public Improvement Permit number assigned to this permit for the installation of said street lights was Public Improvement Permit number 664.

**NOW THEREFORE BE IT**

**RESOLVED**, that the resolution adopted on January 4, 2010 be hereby amended to authorize Public Improvement Permit number 664 for the installation of said street lights.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, R.J.F. Development, 4430 Walden Avenue, Lancaster, New York, 14086, has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvement within Cross Creek Subdivision, Phase I within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney, by letter to the Town Clerk dated April 28, 2010, has reported his favorable review for the acceptance of this public improvement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement within Cross Creek Subdivision, Phase I be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 664 - Street Lights  
and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 3, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, in a letter dated April 28, 2010, has advised the Town Board that the Highway Department no longer has use for an Ausco bumper jack (Model # ATO-8-6), a Transmission Jack (No model number), Gasoline powered air compressor (Model # 10XG1), Two-Ton engine puller (Black Hawk Model # 67576), Briggs and Stratton 5 horsepower generator (Model # 3W0131C), Briggs & Stratton 2" pump (Model # 23AFB), Alamo 3 point hitch flail mower (Model # SHD88), Troybuilt sickle bar mower (Model # 15003), Frank V-Plow, Aluminum cross bed toolbox, and a Plastic cross bed toolbox and has requested that the Town Board therefore deem these items to be surplus equipment and permit the Highway Superintendent to offer this equipment at a public auction, and

**WHEREAS**, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned equipment to be surplus equipment and permit a public auction of same;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the beforementioned Ausco bumper jack (Model # ATO-8-6), a Transmission Jack (No model number), Gasoline powered air compressor (Model # 10XG1), Two-Ton engine puller (Black Hawk Model # 67576), Briggs and Stratton 5 horsepower generator (Model # 3W0131C), Briggs & Stratton 2" pump (Model # 23AFB), Alamo 3 point hitch flail mower (Model # SHD88), Troybuilt sickle bar mower (Model # 15003), Frank V-Plow, Aluminum cross bed toolbox, and a Plastic cross bed toolbox to be surplus equipment and authorizes the Highway Superintendent to place up for public auction the beforedescribed equipment at a public auction to be held at the Town of Palmyra Highway Department on May 8, 2010, with the funds received at auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

**PUBLIC AUCTION**  
**OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Town of Lancaster Highway Department has an Ausco bumper jack (Model # ATO-8-6), a Transmission Jack (No model number), Gasoline powered air compressor (Model # 10XG1), Two-Ton engine puller (Black Hawk Model # 67576), Briggs and Stratton 5 horsepower generator (Model # 3W0131C), Briggs & Stratton 2" pump (Model # 23AFB), Alamo 3 point hitch flail mower (Model # SHD88), Troybuilt sickle bar mower (Model # 15003), Frank V-Plow, Aluminum cross bed toolbox, and a Plastic cross bed toolbox which are deemed as surplus equipment and will be auctioned at the Town of Palmyra Highway Department by Roy Teitsworth, Inc. Auctioneer of 6502 Barber Hill Road, Geneseo, New York 14454 on May 8, 2010 at 9:00 A.M.

Successful bidders must provide a payment of 10% of the bid price offered payable to the Town of Lancaster. The balance from the successful bidder is due 48 hours after the auction.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
**Town Clerk**  
May 3, 2010

## COMMUNICATIONS & REPORTS

164. Erie County Department of Public Works to Supervisor -  
Notice of closure of Ransom Road between Erie Street and Westwood Road from Monday, April 26, 6:00 AM through Friday, April 30, 2010, 6:00 PM for repair of the railroad crossing. DISPOSITION = Received & Filed
165. NYS DOT to Town Attorney -  
Notice of lead agency designation regarding site plan of Tool Ranch addition, 3857 Walden Avenue; comments noted. DISPOSITION = Received & Filed
166. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -  
Notice from the Town Forestry Department of reserved judgement until a landscape plan is submitted regarding sketch plan for Prairie Landing Subdivision, 18 Pavement Road, north of Affordable Senior Housing. DISPOSITION = Received & Filed
167. Highway Superintendent to Town Board -  
Request authorization for two highway employees to attend Dival Safety Summit, May 11, 2010 in Buffalo. DISPOSITION = Resolution 4/19/10
168. Lancaster Rural Cemetery Association to Town Clerk -  
Request for financial assistance for 2010. DISPOSITION = For Resolution
169. Erie County Department of Planning and Environment to Town Board -  
Notice of lead agency designation regarding rezone petition of Buffalo Filter Corporation, 5872 Genesee Street; concerns and recommendation noted. DISPOSITION = Planning Committee
170. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -  
Notice of no concerns from Town Forestry Department regarding new landscape plan for Urgent Care Facility, 4827 Transit Road. DISPOSITION = Received & Filed
171. NYS Office of Real Property to Assessor -  
Certification of School Tax Relief (STAR) exemptions for the 2010-2011 school levy. DISPOSITION = Received & Filed
172. NYS State Board of Real Property Services to Supervisor -  
Certification of Final Railroad Ceiling for town assessment roll for 2010 for railroad property in the villages and town. DISPOSITION = Received & Filed
173. Highway Superintendent to Planning Board Chairman -  
Notice of objection to the sketch plan for Prairie Landing Subdivision, 18 Pavement Road. DISPOSITION = Planning Committee
174. Highway Superintendent to Planning Board Chairman -  
Notice of no concerns regarding site plan of Tool Ranch addition, 3857 Walden Avenue. DISPOSITION = Planning Committee
175. NYS Office of Parks, Recreation and Historic Preservation to David Homebuilders -  
Comments regarding potential impact of proposed Buffalo Filter Co., 5872 Genesee Street upon historic resources of site. DISPOSITION = Planning Committee
176. NYS DEC to Town Attorney -  
Notification of lead agency designation regarding sketch plan of Prairie Landing Subdivision, Pavement Road; comments noted. DISPOSITION = Planning Committee
177. Village of Depew to Town Clerk -  
Notice of public hearing to be held Monday, April 26, 2010, 7:30 PM regarding proposed local law entitled "Stockpiling and Crushing". DISPOSITION = Received & Filed
178. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -  
Request from the Town Forestry Department for a landscape plan of Buffalo Filter, 5872 Genesee Street. DISPOSITION = Planning Committee



179. Erie County Department of Public Works to Supervisor -  
Notice of closure of Townline Road between Erie Street and Westwood Road from Monday, May 3, 6:00 AM through Friday, May 7, 2010, 6:00 PM for repair of the railroad crossing. DISPOSITION = Received & Filed
180. Cough Harbour Associates to Wm. Schutt & Associates, P.C. -  
Recommend awarding of Contract No. TLN-4 Water System Improvements to C.M.H. Company, Inc., the apparent low bidder. DISPOSITION = Resolution 5/3/10
181. Village of Lancaster to Town Board -  
Minutes of meeting held April 12, 2010. DISPOSITION = Received & Filed
182. Village of Lancaster to Town Board -  
Minutes of meeting held April 12, 2010. DISPOSITION = Received & Filed
183. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of meeting held April 21, 2010. DISPOSITION = Received & Filed
184. Planning Board to Town Board -  
Notice of tabling of site plan review of Tool Ranch, 3857 Walden Avenue; conditions noted. DISPOSITION = Planning Committee
185. Highway Superintendent to Planning Board Chairman -  
Notice of no concerns regarding site plan of Buffalo Filter, 5872 Genesee Street. DISPOSITION = Received & Filed
186. Tapestry Charter School to Town Clerk -  
Invitation to tour of Tapestry Charter School to be held Friday, May 7, 2010, 9 - 10 AM. DISPOSITION = Received & Filed
187. Highway Superintendent to Town Board -  
Request for resolution to hire summer seasonal employees. DISPOSITION = Resolution 5/3/10
188. Veterans of Foreign Wars Post No. 7275 to Town Board -  
Invitation to participate in Memorial Day services and parade to be held Monday, May 31, 2010 at 9:00 AM. DISPOSITION = Town Board
189. Town Attorney to Town Clerk -  
Request for resolution accepting public improvement for Cross Creek Subdivision, namely P.I.P. No. 664, Street Lights. DISPOSITION = Resolution 5/3/10
190. General Crew Chief to Supervisor -  
Request for resolution to hire summer seasonal employees. DISPOSITION = Resolution 5/3/10

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED  
BY COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at  
8:45 P.M. in memory of John Gober, William Henke and John Stoetzel.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk